Decision That Franchise Lasts 455 Years dormitory or college, according to a state- Toastmaster Was Col W. H. D. Washington lature May Revoke It or Force the Tracks to Be Elevated or Depressed.

The New York Central Railroad Company is entitled to maintain its tracks in the downtown streets of New York for 455 years longer under a decision by the Appellate Division of the Supreme Court yesterday affirming an injunction obtained by the company restraining the city from tearing up its tracks on Eleventh avenue and other streets on the ground that its franchise has expired

The suit was heard by ex-Judge D-Cady Herrick as referee, and he sustained the

The prevailing opinion says that in 1846 the Legislature granted a franchise to the Hudson River Railroad Company to use certain streets and avenues of the permission to construct a double line of tracks along the streets and avenues now occupied. When the Legislature passed the act consolidating the New York Central and the Hudson River Railroad Companies in 1869 it transferred the entire number. The number of companies in 1869 it transferred the entire number. The number of the entire number of the entire number. The number of the entire number is to be action which beasts of songs not only regardle cases of yellow fever during the last eighted months, but the West to estation when

indeed a year.

Henry W. Sage, whose family is not and extended the franchises for that period.

The Court says that the franchises then became one undivisible franchise from Albany to the termination of the railroad in New York, and the right to occupy the streets was part of this undivisible franchise. "Neither the city of New York nor any other corporation or individual could question its right to the Beard of Satisfaction Court. When the Beard of Satisfaction Particularly ended the Source of Satisfaction Particularly ended the Source of Satisfaction Particularly ended the same time can't cheer and sing at the same time can the cheer and sing at the same time can't cheer and sing at the same time. The country is disconstituted in the own in the car's of the other southern songs, however, the banquetes, about haif of whom were women, worked through dark chem in the same time. The reservoirs on Calvaces about haif of whom were wo

cededly a legal franchise," says Justice Ingraham, "and as I understand the settled law of this State it is the State only that can question the right of a corporation to exercise a franchise granted by the State."

Then the audience gave her a spirited burst of applause and several men in the front row of seats murmured: "That's right!" "It's true!" "If I were only forty years younger." went on Lady Cook, "I would very quickly went on Lady Cook, "I would very quickly."

plaintiff, however, continued to two, or the

**Construction of the proper and the consolidation of the corporate existence of the corporate existen

the consolidated company was authorized to use the avenues and streets in question for railroad purposes after the expiration of the period originally prescribed for the corporate existence of the Hudson River Railroad Company," rave Justices Laughlin, "and even if it was so authorized, still I am of the opinion that the permission of the Legislature granted to the Hudson River Railroad Company and the consent of the hudson River Railroad Company and license, and that the continuance of such license under the express power reserved on the charter of the Hudson River Railroad Company, and under its police for the charter of the Hudson River Railroad Company, and under its police license, and that the operator heard. The call was road Company, and under its police for the wild of the Legislature granted to a score in Eleecker street and bloom power as well.

The public avenues and streets are the consented for the August Marshall hastened to say when he got up to talk, he "promised to be very careful in the selection of his stories."

Story of a titlea Lawyer Who Beat His consent of the legislature granted to the personnel of the selection of his stories.

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Story of a titlea Lawyer Histonella and Judge Mayer, Lawyer Company and constity.

Story of a titlea La

in the charter of the Hadson River Ball, and the Hadson River Ball, and the Hadson River are the convergence and streets are the formation of the companion of

the license to prescribe a plan for the elevation of the tracks above or the lowering of the tracks below the surface of the avenues and streets and to require the railroad company to comply

she Donates \$300,000 to Construct

Women's Dormitory or College. ITHACA, Feb. 3.-Mrs. Russell Sage has given \$300,000 to Cornell University to be

used in the construction of a women's More Justice Laughlin Says Legis. ment issued to-day by President Schurman. The new building is to be known as the Prudence Risley Hall in memory of the mother of Russell Sage, and it will house 175 women students. This new building, with Sage College, the dormintory and other West Virginia wines, West Venezuelan matters," said Mr. Manning given by Henry W. Sage a number of Virginia tobacco, grub, songs and oratory yesterday at the Waldorf. "But there are years ago, will take care of all of the coeds and a regular West Virginia party that a great many opportunities for developin the university, who now number about was worth while when about a hundred ment opening up. I understand. They four hundred each year. President Schur- expatriated mountaineers whose State are trying to get capital for a new bank man thinks that it will no longer be necessary for any of the women students to gathered in the Waldorf Apartments. "Imports room or board outside of college buildings. Hotel Waldorf, for the fourth annual a par with those of the year before, but

Dr. Schurman's statement follows: have just received word from Mrs. Russell time last night that certainly was free exceeded the exports of the same period Presiding Justice Ingraham of the Appellate Division writes the opinion sustaining the referee, and Justices Clarke, Scott and Miller concur. Justice Laughlin also concurs in refusing an in-

settled law of this State only that can question the right of a corporation to exercise a franchise granted by the State."

In his concurring opinion Justice Laughlin says there is nothing in the act consolidating the New York Central and Hudson River Railroad companies which fixes the term of corporate existence of the econsolidated companies to fix the period by agreement among themselves beyond the corporate existence fixed by their respective only forty years younger. "If I were only forty years younger," went on Lady Cook, "I would very quickly clear the street of these poor young girls who are driven by misfortune to down there—by personal canvass and by the sample."

I went to college in Pennsylvenia, sudded for the ministry in Ohio, my first charge girls who are driven by misfortune to down there—by personal canvass and by the sample."

I went to college in Pennsylvenia, sudded for the ministry in Ohio, my first charge girl who are driven by misfortune to down there—by personal canvass and by the sample."

I went to college in Pennsylvenia, sudded for the ministry in Ohio, my first charge girl who are driven by misfortune to consolidated companies which fixes the term of corporate existence of the period by agreement among themselves beyond the corporation to exercise a franchise "The very quickly by the sample."

I went to college in Pennsylvenia, sudded for the ministry in Ohio, my first charge for the ministry in Ohio, my first charge of being both two colleges of being both twice. [laughter]

I went to college in Pennsylvenia, sudded for the ministry in Ohio, my first charge of the ministry in Ohio, my first charge for the minis to support some dear one. Why, one of your New York papers had a story only two, or three weeks ago about a woman who was forced to go on the street in order to obtain food and medicine for

STREET TRACKS MAY REMAIN MRS. SAGE'S GIFT TO CORNELL. DINE ABOUT WEST VIRGINIA

MANY OF TEM CAME FROM

and Toasts Were in West Virginia February 13 to February 18, under the Extra Dry Bishop Greer Heard on auspices of the Government, to consider His Early Struggles in the Steerage, trade with Central and South American

There was a West Virginia champagne The authorities of Cornell University New York. The mountaineers had a months ended December 31 they far

Appeliate Division writes the opinion sustaining the referee, and Justices Clarke, Scott and Miller concur. Justices Clarke, Scott and Miller concur. Justice Laughlin also concurs in refusing an injunction, but he believes the Legislature can either revoke the New York Central's franchise at any time or compel the company to elevate or depress its tracks wholly or in part at its own expense.

The prevailing opinion says that in 1846 the Legislature granted a franchise to the Hudson River Railroad Company to use certain streets and avenues of the called the Prudence Risley and its obscillation of the campus dormitory is to be built on the campus dark have been true. The toastmaster's have been tr

franchise in perpetuity.

"I think it is extremely doubtful whether the consolidated company was authorized to use the avenues and streets in question for railroad purposes after the expiration of the period originally prescribed for mained standing until she left the plate of the period originally prescribed for the expiration of the period original period of the period original period original period or the expiration of the period original period or the period original period or the per

clevation of the tracks above or the lowelevation of the tracks below the surface
of the avenues and streets and to require the railroad company to comply
with such plan at its own expense, or if
it deems that justice so requires to provide for a division of the expense between
the municipality and the railroad company or to delegate this authority to
the municipality.

"I am of opinion, however, that the
authority in these matters rests with the
Legislature and not with the municipality
and that the municipal authorities were
and that the municipality and the railroad company or to delegate this authority to
the difference of the expense between
the municipality.

"I am of opinion, however, that the
authority in these matters rests with the
Legislature and not with the municipality
and that the municipal authorities were
this time that the municipal authorities were
the const on the hospital in a
trical condition.

The boys had been playing with two
girls, Marion Riddle, II years old, of 137
Steuben treet, and Josephine Kennedy,
St

ALL QUIET IN VENEZULA.

Consul Manning Reports Trade as Improving Chances for Americans. Isaac A. Manning, American Consul at THERE, ALL CAN TELL OF IT. La Guayra, Venezuela, arrived yesterday on the Maracaibo to attend a conference which is to be held at Washington from

countries.

"There is not much news to give about

"Imports last year were just about a banquet of the West Virginia Society of exports are increasing. During the three

the company had a legal franchise but that it had expired by limitation fifty years after 1846.

"The State has not questioned the right of the plaintiff to exercise the franchise which was granted to the Hudson River Railroad Company and which was conceededly a legal franchise," saves Justice Ingraham, "and as I understand the settled law of this State it is the State only that can question the right of a corporation to exercise a franchise granted by the State."

There was a moment's silence when she added:

"It would be a good idea to have a woman magistrate sitting on the bench and about two hundred women policement to make arrests and investigate cases."

There was a moment's silence when she added:

"It would be a good idea to have a woman magistrate sitting on the bench and about two hundred women policement to make arrests and investigate cases."

Then the audience gave her a spirited but two hundred women policement to make arrests and investigate cases.

There was a moment's silence when she added:

"It would be a good idea to have a woman magistrate sitting on the bench and about two hundred women policement to make arrests and investigate cases."

There was a moment's silence when she added:

"It would be a good idea to have a woman magistrate sitting on the bench and about two hundred woman magistrate is the case as "the most distinguished when the state is swapping horses and blook after the transaction."

Bishop Greer was introduced by Col. "Bush the rank the transaction."

Bishop Greer was introduced by Col. "Bush the rank the transaction."

There was a moment's silence when she added:

"It would be a good idea to have a woman magistrate sitting on the bench and about two hundred woman policement to make the case and the last oremain at home to look after the rank the transaction."

Bishop Greer was introduced by Col. The sale with the state is a big opportuni

"means what no other city on the globe means. It means opportunity, commercial opportunity, artistic opportunity, artistic opportunity."

sons vesterday when sosopial object to plead to the eight indictive was arraigned to plead to the eight indictive while she was still an infant. When she parted with the little give ments for grand lareceny that stand the mother had just become a wido

down telephone and telegraph wires all through that territory.

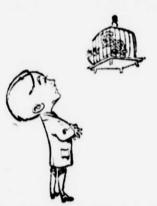
The storm hit the north country yesterday and continued last night. At Gouverneur passenger traffic from the north was demoralized, several of the trains that usually run into that town being abandoned. Vivid flashes of lignning accompanied the storm in Gouverneur. At Massena the snow is four feet deep. At Dekalb a freight from Watertown became stalled in the snow and a snowplough

NEW YORK'S LEADING THEATRES AND SUCCESSES. NEW AMSTERDAM VALUE SHERRY 4 MATINEES RUTH ST. DENIS

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"Every Song and CHRISTIE MACDONALD World in THE SPRING MAID Mile. FMMA TRENTINI Naughty Marietta WITH ORVILLE HARROLD.

HUDSON 41th St. nr B way. Eve 8 30. BLANCHE BATES IN WINDOW BIJOU CHENTENT THE KAVOC

Holmes WHERE DO YOU LIVE P



The Dollar Bird flies out of the cage to-day.

Generous as we like to be with mark-downs it's not often we can offer savings of \$90 or \$100 on a single garment.

Yet the list below tells that BRONX 140th St. FRANK KEENAN & Daily Mat. 25c. Bernardi. Others. story among others.

128 fur-lined and fur-outside Black cloth fur-lined for dress

wear, mixtures fur-lined for street wear and motoring, fur- | BELASCO Mais To day & Thurs and

Fur-lined coats.

9 coats were \$150 10 coats were \$150 11 coats were \$135 10 coats were \$115 \$90 now. 4 coats were \$115

15 coats were \$55

\$45 now. Fur-outside coats. 3 coats were \$200

> 12 coats were \$190 2 coats were \$150 *11 coats were \$135 \$100 now.

1 coat was \$85 17 coats were \$65 \$40 now. 23 coats were \$12

ROGERS PEET & COMPANY. Three Broadway Stores

\$25 now.

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GALETY BWAY & 40 12 1 MOSTAL STE COHANS GET RICH QUICA HIT WALLINGFORD

MISS BILLIE BURKE SUZANNE

The Philosopher in the Apple Orchard.

GARRICK St. St. Br. B. Way E. S. S. S. S. LAST NIGHT LAST MAT. TO-DAY. EDMUND BREESE SCARECROW. OUR WORLD A new 4 Act Drama

OTIS SKINNER comedy SIRE GRAND Opera H. 23c. to 81. Mat. To day. THE FORTUNE HUNTER. 23d S. 8th Av. With John Barrymore Next Monday—THE COMMUTERS GLOBE B'way, 46 St. Ev. 5:20 ELSIE JANIS IN THE SLIM PRINCESS WITH JOS. CAWTHORN

CRITERION B'way & 44th St. Eve. 8:20.

THE NEW THEATRE Cent. Pk. W. Phone 62d-63d Sts. 1860 Cot. THE PIPER il he presented by The New Theatre Co.
in a New Act by Maurice Macterlines, and
in be repeated Sat. Mat. and Eve. At all
her performances The Piper will be given.

BROADWAY LEW FIELDS HEN-PECKS WM. FAVERSHAM " THE FAUN BABY MINE Maxine Elliott's Th., 39, B'y & 6 Av. Ev. 8:30 Mat. To The Camblers By Chas. Klein day 2:30. The Camblers with Geo. Nash

William Collier 12" I'll Be Hange MARRIAGE A LA CARTE Harry

ew Fields' Herald So., B'way and 35th S

Louise Gunning in Seats Ne. The Balkan Princess Monday. THE DEEP PURPLE By Armstrong and Mizner.

WAY DOWN EAST

METROPOLITAN GPERA This Aft. at 2, Girl of the Golden West, Ames, Destinn, Leveroni: MM. Caruso, Amato, Giliv. Relss. Diddur. Bada, Rossi, de Segurola, Bourgeols, Hall. Cond., Toscanini.

To-night at 8, Special Performance, Madama Butterfis. Mmes. Farrar, Fornia; MM. Martin, Scottl, Hada, Bourgeols, Begue, Cond., Podesti, sun Evg., Pop. Prices, Grand Concert, Ferruccio Busoni, the celebrated Planist, Mmes. Moreua, Case; MM. Jorn, Soomer, Hinckley, Entire Ochestra. Cond's, Hertz and Pasiernack, Next 'eek'; Mon. Evg. Germania, Mme. Destian; MM. Caruso, Amato, Cond., Toscanini, Tage, Evg. at 8, Only Time this Season, Pelleas Destinn: MM. Caruso, Amato. Cond., Toscanini.
Tes. Evg. 318, Only Time this Season. Pelleas
et Melisande by the Phila. Chicago Opera Co.
Mmes. Visarden. Bressier-Glanoil, Dumesnii: MM.
Warnery, Dufranue. Huberdeau. Crabbe. Gen'i
Musical Director. Cleofonte Campanini.
Wed. Evg. at 8. Tosca. Mme. Farrar; MM.
Caruso, Scotti. Conductor. Toscanini.
Thurs. Aft'in at 130. Die Walkuere. Mmes.
Fremstad. Morena. Wickham; MM. Burrian,
Soomer. Hinckley. Cond. Hertz. M.
Thur. Ev. at 8. Madama Butter My. Mmes. Destina. Fornia; MM. Martin, Scotti. Con., Toscanini.
Fri. Evg. at 8. Koenigskinder, Mmes. Parrar,
Wickham; MM. Jorn, Goritz. Didur. Helss. Cond.,
Hertz. Sat. Mat. at 145. Tristan und Isolde. Mmes.

PHILHARMONIC GUSTAV MAHLER, Conductor Carnegle Hall, TO-MORROW Aft, Feb. 5. Soloist, TO-MORROW AR. Feb. 3, at 3.
Soloist, THUTCHESON
SCHUBERT UNFINISHED SYMPHONY
Mac Dowell 2nd Concerto—Lalo Ov. Le Rold 'Vs
Wagner Ov. Flying Dutchman—Sounds of the
Forest. Prelude Die Meistersinger.
50c. to \$2.00. Management: Loudon Charlton.
Tues. Night. Feb. 7. Frl. Aft. Feb. 10.

DAVID BISPHAM GOLONIAL ACO., Emma Dunn & Co., Emma Dunn & Co., Emmy's Pets, oth ALHAMBRA HARRY First & Co. Schletell's Manikins, o

Carnegie Hall, Tues. Aft., Feb. 14. at 3. MME. GADSK 75c. to \$2. Sale New Open Management of Loudon Charlton

outside coats for owners of COMEDY "THE CONCERT" cars and the prosperous chauf-. REPUBLIC W. 424 St. Ev. 8:18. Matinee REBECCA OF SUNNYBROOK FARM All sizes, though not many ICE HOCKEY Cleveland A. C. To-night of any one sort; at all three ST. NICHOLAS RINK. 66th St. and Col. Ave. COLUMBIA BURLESQUE. To-day 2:15.

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New York City-Wall Street Men may leave subscriptions and ad-vertisements at the Wall Street office, 25 Broad Street. Telephone 2200 Beekman, 1364 Broadway, near 37th Street. 263 West 125th George H. Alcorn, Eastern Representative, 405 Tribune Building. Telephone 2991 Beekman

Brooklyn-106 Livingston Street, near Court Street. Beston, Mass. -Room 26, Globe Eldg., Washington Street. -T. P.

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Mr. Jay C. Freeman will be in personal charge, and a great many splendid examples from our collection of rare Italian. French and German masterpieces, including a number of remarkable bargains which may not again be available, will be shown. A cordial invitation is extended to the music-loving public to view and examine this collection.

SPECIAL PERFORMANCE for the benefit of the LEGAL AID SOCIETY Madama Butterfly

METROPOLITAN OPERA HOUSE Saturday Evening, Feb. 4th, 1911 GERALDINE FARRAR, MARTIN, SCOTTI And Regular Cast.

BUSONI BEETHOVEN, CHOPIN, LISZT. Scats \$2 to 75c. at Hall. Tyson's and Mat. M. H. Hanson, 437 5th Ave. Chickering Plano.

HOLBROOK BLINN in THE BOSS

st. 2:15. "Fallissement"; Eve. 8:15. Possar resescu, "Daughter of Fabricius"; Monday, 'fi Thurs: (Popular Prices), CAMILLA DALBE "The Hand" and Farce, "Who Owns Heler Sat. Evg. at 8, Double Bill, Cavalleria Rustiand. Mmes. Morena, Aldrich, Mattfeld; MM.
Addiowker, Gilly Pagliacet, Mme. Alten; MM.
Caruso, Scottl, Gilly, Bada. Conductor, Podesti.
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Dally MAT. 27c Band, Roberty Dancers, oth AMERICAN
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Daily Mat. 25c.
12 All Star Acts
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IRVING PLACE THEATRE. Every Eve WERNER ALBERTI & CO. LONJUMEAU FINAVE. B'way
Dally Mat 25 & Soc Milton & De Long Sisters oil. MANHATTAN OPERA HOUSE, W. 34th St. GERTRUDE HOFFMANN & CO., 10 Others

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ART SALES AND EXHIBITIONS.

Fifth Auction INC. Avenue Rooms 33-341 FOURTH AV., S. E. cor. 25th st. HENRY A. HARTMAN, Auctioneer. TO-DAY AT 3 P. M.

Unrestricted Public Sale BY DIRECTION OF Robert Thorne, Esq., Att'y IMPORTANT COLLECTION OF RARE ANTIQUES FORMED BY THE LATE *EUGENE BENSON* and removed from his former residence Palazzo Capello, Venice,

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Comprising Cabinets. Chests, Mirrors, Frames, Tables, Chairs, Cassones, &c. Exceptionally fine specimens of Brasses, collected from Monasteries of Italy.
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